

REMARKS

In the Pre-Interview Communication, independent claims 1 and 10 were rejected under 35 U.S.C. 102(a) in view of reference A. Applicants propose amending claims 1, 10, and 19 to include, respectively, the limitations currently found in claims 2, 11 and 20. These claims were rejected over reference A in view of reference B under 35 U.S.C. 103(a). In particular, the rejection states that reference B teaches "only to use a counter with multiple packets ...." Applicants do not dispute this statement but do assert that B does not teach each portion limitations found in claims 2, 10, and 20..

Both claims 2 and 10 recite exiting an interrupt handler only if: there are no more packets in said receive buffer; and at least one of: said state variable is equal to a selected value and a selected interval has transpired since said interrupt was generated. B does not teach such a system of method. In particular, claims 2, 10, and 20 require a two-part test not taught by B. This test requires first, that there be no packets in the receive buffer as a condition precedent to the second part of the test. When this condition is met then either the state variable has to be equal to selected value or a time interval has transpired since the interrupt was generated in order for interrupt handler to be exited. This dual step test is neither taught nor suggested by B. Indeed, the cited sections of B do not discuss requiring that there be no more packets in the receive buffer to exit the interrupt handler. Rather, the only metric mentioned is the rate that or arrival of packets and how that may change.

In view of the foregoing proposed amendments and remarks, it is submitted that the present invention as proposed is patentable over the cited references.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 09-0463. In the event that an extension of time is required, or may be required in addition to

that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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By:           / M. Brad Lawrence /

Dated this 21<sup>st</sup> day of 2009

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